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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,787	01/26/2000	Andrew T Wilson	INTL-0317-US (P8000)	9051

7590 12/15/2005

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EXAMINER	
BOCCIO, VINCENT F	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/491,787	WILSON ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE & Amendment 11/18/05*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 11/18/05 have been fully considered but they are not persuasive.

{A} In re page 9, applicant states, "… the art relied on … among other things fails to teach or even remotely suggest providing separate packets for video and web content to synchronize the video information with the web content in each packet".

In response packets is met by digital data, being video and web content referred to as packets is conventional language and is met by the art applied, with no question, digital data is referred to as packets, as those skilled in the art would clearly understand.

To support the examiner's position on terminology, the examiner needs not to bring new art in, but, packets are identified by Butler (2002/0077493),

o page 1, col. 2, [0015]-[0016], "MPEG2 already provide for incorporation ***ancillary digital data in packets*** that are downloaded with digital audio/video content ……." and

o page 4, col. 2, [0048], "the PC along with communication ***packets*** in which the overlays are transmitted.".

Therefore, the MPEG 2 video is in packets and web content is also in packets, wherein the packets for video and web are separate packets and wherein this terminology is conventional and met by the art applied, as those skilled in the art would readily understand.

Further applicant also argues synchronizing the video and the web content in packets.

The recited limitation synchronize, WEB & VIDEO, wherein synchronize is a broad term, which is defined as:

- synchronize
  - o A} to make synchronous in operation;
  - o B} to represent or arrange (events) to indicate coincidence; or

o C} to make (motion picture sound) exactly simultaneous with the action.

Synchronization of WEB and Video is met by Mankovitz, Fig. 2, which shows synchronization of video and Web content on one screen, therefore are synchronized to be displayed together or simultaneous.

Synchronized Video with Web content associated with a code to synchronize, not clearly met by Mankovitz, but, reads on the combination with Butler, which even recites the word synchronize.

Butler page 4 recites,
"Synchronization content with a video program";
"synchronize the video doesn't rely upon specific timings relative to the video stream; also
"an HTML formatted document allows the user to activate hyperlinks, and retrieves and displays the targets of such hyperlinks.".

Butler provides for a teaching of synchronizing video with WEB content using specific timings thereby synchronizing video relying on specific timings relative to the video stream, met by Butler.

Butler at paragraph [19], page 2, recites, "timing specifications with the supplemental data files indicating times for displaying the digital content, relative to the video stream", therefore, teaches events synchronize with timing data, one known timing data is time code data or time data associated with the video stream to synchronously trigger, overlays with respect to the video, therefore, provides for synchronizing the video and web content with respect to each packet of the video and web content, when specified.

It is further noted that claim 4, recites the code comprising a time code to synchronize video and content, rejected previously with Blackketter, wherein as is clear the examiner had previously rejected the limitations as now recited in claim 1 imported from claim 4 for example.

Therefore, the arguments are not deemed persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 7-13, 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) in view of Butler (US 2002/0007493).

The examiner incorporates by reference the previous rejections against the claims and will address the newly recited limitations as recited.

Mankovitz meets the limitation of synchronizing Video and web, but, fails to clearly provide for a code to synchronize.

Butler, as analyzed above provides for a code to synchronize video and Web content (page 2, [0019], provides timing specifications with the supplemental data files indicating times for displaying the digital content, relative to the video stream), wherein the video and web are in packetized form and are separate data packets, which can be received in a transport stream in the ancillary data area or downloaded earlier or the night before, (reference previous analysis of Butler).

Therefore, it would have been obvious to those skilled in the art to modify Mankovitz by performing synchronization of separate video and web packets using a code to facilitate synchronization of video and web content, triggered with timing specifications relative to the video stream, as taught by Butler.

3. Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (WO 98/48566) and Butler (US 2002/0007493) in view of Blackketter (6,414,438).

The examiner incorporates by reference the rejection of the previous rejection against the claims, claims 4-6 and 14-16 are not directly amended, but are with respect to the independent claims.

It is noted that Blackketter and Butler are related in that they both provide for synchronization, wherein Blackketter, clearly recited time code data, wherein it is further obvious if not met by Butler that the specific timings are or can be time code type data, as applied.

Conclusion

All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

Contact Fax Information

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
12/10/05

VINCENT BOCCIO
PRIMARY EXAMINER